

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRICKLAYERS AND ALLIED)	
CRAFTWORKERS LOCAL 1 OF PA/DE;)	Civil Action
BRICKLAYERS AND ALLIED)	No. 02-CV-04079
CRAFTWORKERS LOCAL 1 OF PA/DE)	
HEALTH AND WELFARE FUND;)	
BRICKLAYERS AND ALLIED)	
CRAFTWORKERS LOCAL 1 OF PA/DE)	
JOINT APPRENTICESHIP AND)	
TRAINING FUND;)	
TILE LAYERS LOCAL 6 ANNUITY FUND;)	
TMT TILE FINISHERS LOCAL 32)	
ANNUITY FUND;)	
TILE LAYERS LOCAL 6)	
VACATION FUND; and)	
TMT TILE FINISHERS LOCAL 32)	
VACATION FUND,)	
)	
Plaintiffs)	
)	
vs.)	
)	
MASTRO MASONRY CONTRACTORS;)	
ERNEST BOCK AND SONS, INC.;)	
XL SPECIALTY INSURANCE COMPANY;)	
and JOSEPH RUSSO, Individually)	
and as President of Mastro)	
Masonry Contractors,)	
)	
Defendants)	
)	
ERNEST BOCK AND SONS, INC.,)	
)	
Cross Claimant)	
)	
vs.)	
)	
MASTRO MASONRY CONTRACTORS,)	
)	
Cross Defendant)	

O R D E R

NOW, this 23rd day of February, 2004, upon
consideration of the request of defendants Ernest Bock and Sons,

Inc. for the undersigned to enter an order dismissing its counterclaim pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, which request is attached; it appearing that Mastro Masonry Contractors is yet to plead or otherwise respond to the counterclaim,

IT IS ORDERED that the counterclaim is dismissed without prejudice, without costs.

BY THE COURT:

James Knoll Gardner
United States District Judge